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October 28, 2005

Art Unit 2685

WRITER'S DIRECT NUMBER:

Attn: Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No. 09/770,675; Filed: January 29, 2001

or: Wireless and Wired Cable Modem Applications of Universal

Frequency Translation Technology

Inventor:

David SORRELLS

Our Ref:

1744.0140005

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Fifth Supplemental Information Disclosure Statement;
- 2. Form PTO-1449 (2 pages) citing 8 documents; and
- 3. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skqf.com

Commissioner for Patents October 28, 2005 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Neder D. Deuters

Nicole D. Dretar

Attorney for Applicant Registration No. 54,076

MQL/NDD:krc Enclosures

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sorrells et al.

Appl. No.: 09/770,675

Filed: January 29, 2001

For: Wireless and Wired Cable Modem

Applications of Universal

Frequency Translation Technology

Confirmation No.: 5430

Art Unit: 2685

Examiner: Tran, Pablo N.

Atty. Docket: 1744.0140005

Fifth Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth Supplemental Information Disclosure Statement filed on October 3, 2005 in connection with the above-captioned application.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

Applicants provide the following comments regarding the documents:

Documents AH68, AI68, and AA69 were cited in a Notice of Allowance in related U.S. Patent Application No. 10/359,636, filed February 7, 2003, entitled "Integrated Frequency Translation and Selectivity," directed to related subject matter. Also cited in said Office Action were U.S. Patent Nos. 5,126,682; 5,926,054; 6,049,706; 6,421,534; and 6,560,301, which have already been cited in the present application.

Documents AB69-AF69 were cited in an Office Action in related U.S. Patent Application No. 10/197,255; filed July 18, 2002, entitled "Networking Methods and Systems," directed to related subject matter. Also cited in said Office Action was U.S. Patent No. 6,850,742, which has already been cited in the present application.

This statement should not be construed as a representation that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below:

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this
 Information Disclosure Statement was cited in a communication from a foreign
 patent office in a counterpart application and this communication was not received
 by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to
 the filing of this information disclosure statement.

□3.	Filing under	37 C.F.R. § 1.97(c). This Information Disclosure Statement is being	
	filed more tha	n three months after the U.S. filing date AND after the mailing date of	
	the first Offi	ce Action on the merits, but before the mailing date of a Final	
	Rejection, or	Notice of Allowance, or an action that otherwise closes prosecution in	
	the application	n	
	☐ a.	Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item	
		of information contained in this Information Disclosure Statement	
		was first cited in any communication from a foreign patent office in a	
		counterpart foreign application not more than three months prior to	
		the filing of this Information Disclosure Statement. 37 C.F.R. §	
		1.97(e)(1).	
	□ b.	Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of	
		information in this Information Disclosure Statement was cited in a	
		communication from a foreign patent office in a counterpart foreign	
		application and, to my knowledge after making reasonable inquiry,	
		was known to any individual designated in 37 C.F.R. § 1.56(c) more	
		than three months prior to the filing of this Information Disclosure	
		Statement. 37 C.F.R. § 1.97(e)(2).	
	□ c.	Attached is our PTO-2038 Credit Card Payment Form in the amount	
		of in payment of the fee under 37 C.F.R. § 1.17(p).	
4 .	Filing under	37 C.F.R. § 1.97(d) This Information Disclosure Statement is being	
	filed more than three months after the U.S. filing date and after the mailing date of		
	Final Rejection or Notice of Allowance, but before payment of the Issue F		

Enclosed find our PTO-2038 Credit Card Payment Form in the amount of

	\$ i	n payment of the fee under 37 C.F.R. § 1.17(p); in addition:
	□ a.	Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item
		of information contained in this Information Disclosure Statement
		was first cited in any communication from a foreign patent office in a
		counterpart foreign application not more than three months prior to
		the filing of this Information Disclosure Statement. 37 C.F.R. §
		1.97(e)(1).
	□ b.	Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of
		information in this Information Disclosure Statement was cited in a
		communication from a foreign patent office in a counterpart foreign
		application and, to my knowledge after making reasonable inquiry,
		was known to any individual designated in 37 C.F.R. § 1.56(c) more
		than three months prior to the filing of this Information Disclosure
		Statement. 37 C.F.R. § 1.97(e)(2).
<u></u> 5.	The documen	it(s) was/were cited in a search report by a foreign patent office in a
	counterpart fo	oreign application. Submission of an English language version of the
	search report	that indicates the degree of relevance found by the foreign office is
	provided in s	atisfaction of the requirement for a concise explanation of relevance.
	1138 OG 37,	38.
<u> </u>	A concise ex	planation of the relevance of the non-English language document(s)
	appears below	v in accordance with 37 C.F.R. § 1.98(a)(3):
		·

⊠ 7.	In accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patents cited on the		
	attached Form PTO-1449 are not enclosed.		
□ 8.	Copies of the documents were cited by or submitted to the Office in an IDS that		
	complies with 37 C.F.R. § 1.98(a)-(c) in Application No, filed		
	, which is relied upon for an earlier filing date under 35 U.S.C. § 120.		
	Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).		
<u> </u>	It is expected that the examiner will review the prosecution and cited art in the		
	parent application no, in accordance with MPEP 2001.06(b), and		
	indicate in the next communication from the office that the art cited in the earlier		
	prosecution history has been reviewed in connection with the present application.		
	It is respectfully requested that the Examiner initial and return a copy of the		
enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application			
that the documents have been considered			

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Luis W. Deuters

Nicole D. Dretar

Attorney for Applicants Registration No. 54,076

Date:

10/28/2005

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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Page 1 of 2 ATTY. DOCKET NO. APPLICATION NO. **FORM PTO-1449** 1744.0140005 09/770,675 FIRST NAMED INVENTOR FIFTH SUPPLEMENTAL David F. SORRELLS INFORMATION DISCLOSURE STATEMENT FILING DATE **ART UNIT** January 29, 2001 2685 **U.S. PATENT DOCUMENTS EXAMINER** DOC. DATE CLASS **DOCUMENT NUMBER** NAME SUB-CLASS FILING DATE INITIAL REF AΑ AB AC AD ΑE AF AG 07/1998 **AH68** 5,787,125 Mittel 5,878,088 03/1999 Knutson et al. AI68 **FOREIGN PATENT DOCUMENTS** EXAMINER DOC. **DOCUMENT NUMBER** DATE COUNTRY CLASS SUB-CLASS **TRANSLATION** INITIAL REF. Yes ΑJ Νo Yes ΑK No Yes AL No Yes ΑM No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.) EXAMINER DOC. CITATION INITIAL REF. ΑN AO AP AQ

EXAMINER DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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Page 2 of 2 ATTY. DOCKET NO. APPLICATION NO. **FORM PTO-1449** 1744.0140005 09/770,675 FIRST NAMED INVENTOR FIFTH SUPPLEMENTAL David F. SORRELLS INFORMATION DISCLOSURE STATEMENT **ART UNIT** FILING DATE January 29, 2001 2685 **U.S. PATENT DOCUMENTS EXAMINER** DOC. DATE DOCUMENT NUMBER NAME CLASS SUB-CLASS FILING DATE INITIAL REF. **AA69** 6,215,828 B1 04/2001 Signell et al. AB69 5,703,584 12/1997 Hill AC69 5,887,001 03/1999 Russell 6,298,065 B1 10/2001 AD69 Dombkowski et al. AE69 2002/0080728 A1 06/2002 Sugar et al. 2002/0163921 A1 11/2002 AF69 Ethridge et al. AG AΗ ΑI FOREIGN PATENT DOCUMENTS **EXAMINER** DOC. **DOCUMENT NUMBER** DATE COUNTRY CLASS SUB-CLASS **TRANSLATION** INITIAL REF. Yes ΑJ No Yes ΑK No Yes ΑL No Yes AM No OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.) **EXAMINER** DOC. CITATION INITIAL REF. ΑN AO AP

EXAMINER DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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